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15 MAR 1982

MEMORANDUM FOR:

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FROM:

Chief, Information and Privacy Division

SUBJECT: Agency Files Exempt under S.1273

1. The Information and Privacy Division has done a preliminary and tentative survey of Agency components to determine which files the DCI might specifically designate as exempt from search or review under the provisions of proposed Senate Legislation S.1273. All major components, with the exception of the Directorate of Science and Technology (DDS&T) have replied. This memorandum summarizes the results of the survey.

2. The Directorate of Operations (DO) evaluates their files as including material falling within exempt category 2 of S.1273. The DO would have the DCI designate their entire systems of records as exempt from publication or disclosure or search and review. (Attachment A)

3. The Directorate of Intelligence (DDI) advises that, with the possible exception of those records maintained by the Office of Imagery Analysis, none of their files should be designated as exempt. Hence, nearly all DDI files would be subject to search. However, any material surfaced which related to any of the four categories would not be subject to review under the Freedom of Information Act (FOIA). Any remaining documents, other than DDI originated, would be referred to components for review. Many of those would certainly then be exempted. For example, a clandestine service Foreign Intelligence Report would presumably not be subject to review since the office of origin is the DO, whose systems of records are exempt. After referrals to other government agencies, the DDI would be essentially left with only DDI originated material, i.e., finished intelligence.

4. Each of the major offices of the Directorate for Administration (DDA) were surveyed. At Attachment B are the results from the offices of Security, Medical Services, Communications, Logistics, Finance, Data Processing, and Information Services. As you can see the quality of these

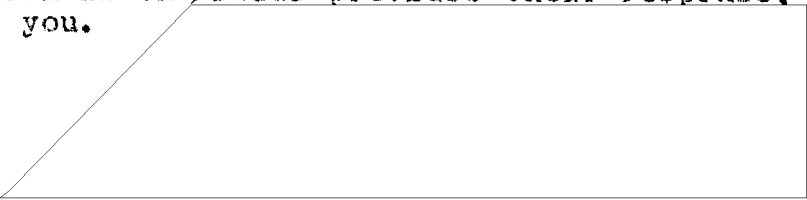
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responses are mixed. For example, not all the files listed by the Office of Communications could be declared exempt. Moreover, its worth noting that with the exception of the Office of Security, most DDA files are infrequently searched in response to FOIA inquiries. I believe, however, it would still be in the Agency interest to seek to exempt most of those systems designated by the offices of Finance, Medical Services, Logistics, and Security. However, more careful scrutiny should be given to the declarations made by the offices of Communications and Data Processing.

5. As soon as the DDS&T provides their response, I will forward it to you.



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Attachments:

A & B

IPD/JEB/lr 15 Mar 82

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MEMORANDUM FOR: See Distribution

FROM: [REDACTED]

Chief, Information and Privacy Division

SUBJECT: Records Systems Excluded under Proposed
Legislation S-1273

1. The Agency is considering a new piece of legislation introduced by Senator Chafee to the 97th Congress, indentified as S-1273. A copy of the bill is attached.

2. In reading the legislation, you will note that it would give the DCI authority to exempt from search or review those files which have been specifically designated as falling within one of four categories. Those categories are specified in lines 15 through 23 on page two and lines one through three of page three of S-1273. It is clearly to the Agency's advantage to be able to specifically identify those files which can be excluded since they would not be subject to any search under the FOIA.

3. It is requested, therefore, that you review your record systems to determine which, if any, can be specifically identified as falling within one of the four categories and provide in writing the names or identifiers of such systems which you determine to be excluded. Since the Bill is still in draft, any listing you might develop should be considered tentative. If S-1273 becomes law, a more definitive answer would then be required. Your list should be appropriately classified, if necessary, and should be forwarded to IPD by 1 March 1982.

4. Any questions you have can be directed to me or
[REDACTED] on extension [REDACTED]

Attachment:
S-1273